

SIEMENS

PATENT
Attorney Docket No. 2002P17467WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor: J. Bieber)	Group Art Unit: 2446
)	
Serial No.: 10/535,036)	Examiner: Nilanont, Youpaporn
)	
Filed: 05/12/2005)	Confirmation No.: 2389

Title: DEVICE FOR PROVISION OF ROLE-BASED ACCESS TO DATA THROUGH A
CENTRAL INTERFACE

Mail Stop Appeal Brief - Patent
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450
COMMISSIONER FOR PATENTS

APPELLANTS' BRIEF UNDER 37 CFR 41.37

Sir:

This brief is in furtherance of the Notice of Appeal filed in this application on 15 May 2009.

1. REAL PARTY IN INTEREST - 37 CFR 41.37(c)(1)(i)

The real party in interest in this Appeal is the assignee of the present application, Siemens Aktiengesellschaft.

2. RELATED APPEALS AND INTERFERENCES - 37 CFR 41.37(c)(1)(ii)

There is no other appeal, interference or judicial proceeding that is related to or that will directly affect, or that will be directly affected by, or that will have a bearing on the Board's decision in this Appeal.

3. STATUS OF CLAIMS - 37 CFR 41.37(c)(1)(iii)

Claims cancelled: 1 – 8, 10 – 16, 18 – 22 and 26..

Claims withdrawn but not cancelled: None.

Claims pending: 9, 17 and 23 - 25.

Claims allowed: none.

Claims rejected: 9, 17 and 23 - 25..

Claims on appeal 9, 17 and 23 - 25.

4. STATUS OF AMENDMENTS - 37 CFR 41.37(c)(1)(iv)

Following the Final Office Action mailed 16 January 2009, the Appellant filed an amendment and argument under 37 CFR 1.116 on 16 March 2009, requesting reconsideration of the art rejections and withdrawal of rejections under Section 112. The filing proposed a series of amendments suggested by the Examiner, including an amendment to the drawing, amendment to the Abstract and amendment to the claims to address rejections under Section 112. The Advisory Action mailed 25 March 2009 indicated that the amendment would not be entered. However, during a telephone interview on 6 July 2009 the Examiner indicated that a new Advisory Action would issue confirming that the amendment under 37 CFR 1.116 filed on 16 March 2009 would be entered and the rejections under Section 112 would be withdrawn. The art rejections are maintained.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER- 37 CFR 41.37(c)(1)(v)

With reference by page and line number to the detailed description, the following summary describes one or more exemplary embodiments disclosed in the Specification and which are covered by specific claims, but it is to be understood that the claims are not so limited in scope.

5A. BRIEF BACKGROUND PROVIDING CONTEXT FOR THE SUMMARY OF CLAIMED SUBJECT MATTER

In an enterprise numerous different systems or devices are used for planning and implementing, including Enterprise Resource Planning (ERP) devices, Maintenance Execution System (MES) devices and automation devices. ERP devices and MES devices are generally used for preparing and planning production. The automation systems and devices are used directly in the production field for controlling, regulating and monitoring a production plant. To enable a user to gain access to data stored in the various devices or data sources, according to the prior art each data source used in an enterprise generally provides its own, separate interface for accessing the data contained in the data source concerned. Therefore, if a user requires, for example, data from the automation device, the automation device ensures access to the data stored therein via a separate interface. For access to data of the ERP device, each device makes available its own interface.

Thus different production-relevant data in an enterprise has only been accessed in a distributed manner. Consequently, it has been necessary for a user to have available multiple applications and installations to be able to gain access to the multiple data sources. Furthermore, according to the prior art it has not been possible to combine the data of different data sources with one another to provide an overview (e.g., via simultaneous visualization) of the production-relevant data of the enterprise. In addition, because of the distributed access to the different data sources, it has been necessary to provide multiple links and passwords to access the multiple data sources. It has not been possible to satisfy the increased requirement for information, evaluations and visualizations of production-relevant data of an enterprise when the data are held in different devices.

5B. CONCISE EXPLANATION OF SUBJECT MATTER DEFINED IN THE SOLE
INDEPENDENT CLAIM 9

In accord with Figures 1, 2 and 3, **independent claim 9** is directed to a system (shown in block diagram form in Figure 3) including multiple functions relating to production, including Enterprise Resource Planning (ERP), maintenance and automation. The system of Figure 3 is configured to provide access to data from a plurality of data devices within the system, the data devices including an automation device 3, an ERP device 2, and an MES device 1. See page 4, lines 6 – 20. The system includes a central access device 11 having interface connections to receive data from each of the data devices 1, 2 and 3. The central access device 11 comprises mechanisms for providing a uniform, central access to multiple ones of the plurality of data sources 1 – 5 and uniform visualization of the data (see page 2, lines 27 – 30 and page 7, lines 12 – 24) in the data received from the multiple ones of the data sources 1 - 5. See page 4, line 32 – page 5, line 7; and page 5, lines 9 – 20. The central access device 11 includes a restricted access administration device (see page 5, line 22 – page 6, line 6) providing role-based access for each of multiple users so that each user is enabled to access data from predetermined devices without being able to access data of other devices (see page 6, lines 8 – 25), the central access device further including a visualization device having a plurality of portal modules 19 enabling data fetched from different devices (1 – 5) to be viewed simultaneously in a visualization window. See page 7, lines 12 – 24.

6. GROUNDS OF REJECTION TO BE REVIEWED UPON APPEAL - 37 CFR 41.37(c)(1)(vi)

1. Whether claims 9, 17 and 23 – 24 are unpatentable under 35 U.S.C. Section 102 as being anticipated by U.S. 5,966,695 (Melchione).
2. Whether claim 25 is unpatentable under 35 U.S.C. Section 103 over Melchione in view of U.S. 2002/0188584 (Ghannam).

7. ARGUMENT 37 CFR 41.37(c)(1)(vii)

7A. PATENTABILITY OF EACH CLAIM IS TO BE SEPARATELY CONSIDERED

Appellants urge that patentability of each claim should be separately considered. Dependent claims are separately argued. General argument, based on deficiencies in the rejection of independent claim 9 under Section 102 demonstrates patentability of all dependent claims. However, none of the rejected claims stand or fall together because each dependent claim further defines a unique combination that patentably distinguishes over the art of record. For this reason, the Board is requested to consider each argument presented with regard to each dependent claim. Argument demonstrating patentability of each dependent claim is presented under subheadings identifying each claim by number.

7B. APPELLANTS TRAVERSE ALL REJECTIONS BASED IN WHOLE OR PART ON THE MELCHIONE and SCHAFER REFERENCE.

7B(1) REJECTION OF INDEPENDENT CLAIM 9 UNDER SECTION 102 BASED ON THE MELCHIONE REFERENCE IS IN ERROR.

GENERAL BASIS TO OVERTURN ALL REJECTIONS UNDER SECTION 102

In order to sustain the rejection of independent claim 9 under Section 102 it is necessary to clearly identify the particular part of the reference relied upon. As stated in 37 CFR 1.104(c)(2), when a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part of the reference relied upon must be designated as nearly as practical. The Melchione reference discloses multiple embodiments and features which require individual analysis to confirm whether every element in each claim is present. More is required to show anticipation.

MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim. It is improper for the Examiner to

contend that a reference implies a disclosure of the invention when the Examiner is actually drawing an improper inference.

7B(2) SPECIFIC BASIS TO OVERTURN REJECTION OF INDEPENDENT CLAIM 9
UNDER SECTION 102 BASED ON THE MELCHIONE REFERENCE .

Application of the Melchione reference to reject claim 9 under Section 102 is deficient under the criteria for anticipation. Claim 9 is directed to a system including multiple functions relating to production, and a central access device comprising mechanisms for providing a uniform, central access to all data sources and uniform visualization of the data in the data sources. Further, a restricted access administration device provides role-based access for each of multiple users so that each user is enabled to access data from predetermined devices without being able to access data of other devices. The central access device also includes a visualization device having a plurality of portal modules enabling data fetched from different devices to be viewed simultaneously in a visualization window.

Claim 9 was rejected, in part, on the basis of finding a central database 10 in the Melchione reference. See Fig. 1 and col. 10. However, applicant urges that this disclosure of a data base is not consistent with the claimed subject matter. Rather, applicant's claim defines a requirement for providing "a uniform, central access to ... the ... data sources ... (i.e., multiple data sources) "while the prior art, at best, provides access to data stored in one central data base. As stated at col. 10, lines 20 - 24 of Melchionek, A "central database 10 underlies all of the applications of the present invention. The central database 10 is a comprehensive and enriched database that includes information about all customers and products ..." "

Applicant appreciates the Examiner's construction of the Melchione reference at page 7 of the office action as disclosing a system "configured to provide access to data from a plurality of data devices ..." (per the preamble of claim 9) but the arrangement for doing so is different from what is claimed. Instead of claiming a central data base, applicant requires

a central access device having interface connections to receive data from each of the data devices, wherein the central access device comprises mechanisms for providing a uniform, central access to multiple ones of the plurality of data sources and uniform visualization of the data in the data received from the multiple ones of the data sources ...

This is not what Mechione discloses. An access device is not a database. As explained in Appellant's specification the claimed access device is an interface providing access to the data in multiple data sources. See page 4, line 32 – page 5, line 7.

Also, according to claim 9, the central access device includes

a restricted access administration device providing role-based access for each of multiple users so that each user is enabled to access data from predetermined devices without being able to access data of other devices,

The rejection attempts to read this feature on the security data base 30 of Melchione, but this is not consistent with the claim language which enables each user to access data from predetermined devices, while the prior art restricts access “of each user to only those areas of the database necessary to perform his or her job.” See col. 11, lines 30 – 33. The foregoing illustrates a distinction between providing an access device which has restricted access to devices versus providing a central database which restricts access to portions of the database.

The central access device of claim 9 further includes a visualization device having a plurality of portal modules enabling data fetched from different devices to be viewed simultaneously in a visualization window. The rejection cites col. 13, lines 1-3 and 6-7 of Melchione, for disclosing simultaneous viewing of accounts, e.g., account tables. This disclosure is deficient with respect to the claimed subject matter. First, it is not clear that the cited passage discloses simultaneous viewing of data from different devices. Nor is it seen that this citation refers to extraction of data from different ones of the feeds 21 – 25 of Figure 1 or different data bases 30 – 35 of Figure 2. Moreover, again, claim 9 concerns simultaneous viewing of data from different devices and the claim defines the devices as including an automation device, and ERP device and an MES device. The rejection cannot meet the terms of this claim.

For all of these reasons the rejection of claim 9 must be overturned.

7B(3) THE REJECTION OF CLAIMS 17, 23 AND 24 WHICH EACH DEPEND FROM CLAIM 9 UNDER SECTION 102 BASED ON THE MELCHIONE REFERENCE IS ALSO IN ERROR.

Each of the claims 17, 23 and 24, depending from claim 9 and rejected under section 102 defines additional subject matter which further distinguishes the invention over the prior art.

7B(3)i. CLAIM 17 FURTHER DISTINGUISHES OVER THE MELCHIONE REFERENCE

The system of claim 17 further requires that the central access device includes a data acquisition device for assembling data from the plurality of data devices in accord with the role-based access of each user. The rejection attempts to read this subject matter on a workstation 12 as though the feeds 21 – 25 of Figure 1 are programmed to provide role-based access. Actually, the cited text does not disclose any discrimination of data collection by the feeds based on the role-based access of a user. It is not seen that the feeds of Figure 1 play any role in the restricted access disclosed at col. 11 of the Melchione reference.

7B(3)ii. CLAIM 23 FURTHER DISTINGUISHES OVER THE MELCHIONE REFERENCE

The system of claim 23 further requires that the data acquisition device of claim 17 accesses the various data devices in a manner controlled by the restricted access administration device, acquires data therefrom and provides this data for display in the visualization window. As per discussion above concerning claim 17, the Melchione reference fails to provide access to data feeds or restricted access via a workstation to data feeds. Rather, the restricted access disclosed in this prior art is relative to the central database 10.

7B(3)iii. CLAIM 24 FURTHER DISTINGUISHES OVER THE MELCHIONE REFERENCE

The system of claim 24 further requires that the data acquisition device of claim 17 accesses the various data sources in a manner controlled by the access administration device and acquires data from the data sources, wherein the data acquisition device makes the data available to the visualization device. Again, this configuration is entirely different from that which provides restricted access to the central database of the Melchione reference. Contrary to the rejection, the text at col. 11 does not concern use of an access administration device to acquire

data in accord with role-based access to make the data available to a visualization device. Rather, the restricted access disclosed in this prior art is relative to the central database 10. Otherwise, the central database would not be a comprehensive database as described at col. 10, line 20 -25.

7B(4) THE REJECTION OF CLAIM 25 WHICH DEPENDS FROM CLAIM 9 UNDER SECTION 103 BASED ON MELCHIONE IN VIEW OF GHANNAM IS ALSO IN ERROR.

Claim 25 which depends from independent claim 9 is allowable at least on the basis upon which claim 9 is allowable. Further, the system of claim 25 further requires a polling device configurable by users in order to acquire data cyclically from the various data sources and to evaluate the data in such a way that upon attainment of a criterion configurable by users a corresponding message is automatically generated. Numerous deficiencies exist in the prior art combination, one of which is absence of acquiring data “cyclically from the various data sources.” Furthermore, the secondary reference is inconsistent with the primary reference since the secondary reference discloses a central database and the Ghannam reference concerns multiple data sources. Nor is there any clear basis for making the combination. The rejection does not cite a motivation to reconstruct the inconsistent pieces into the invention of claim 25.

7C. CONCLUSIONS

Argument has been presented to demonstrate that the rejections under Section 102 and Section 103 are deficient and that the dependent claims further distinguish over the prior art. The Examiner has argued rejections when claimed features are absent from the references and not suggested by the prior art. Accordingly, none of the rejections can be sustained. For all of the above argued reasons, all of the rejections should be withdrawn and the claims should be allowed.

Serial No. 10/535,036
Atty. Doc. No. 2002P17467WOUS

8. APPENDICES

An appendix containing a copy of the claims involved in this appeal is provided herewith. No evidence appendix or related proceedings appendix is provided because no such evidence or related proceeding is applicable to this appeal.

Respectfully submitted,

Dated: July 9, 2009

By: Janet D. Hood

Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830

9. APPENDIX OF CLAIMS ON APPEAL

9. A system of the type including multiple functions relating to production, including Enterprise Resource Planning (ERP), maintenance and automation, configured to provide access to data from a plurality of data devices within the system, the data devices including an automation device, an ERP device, and an MES device, the system comprising:

a central access device having interface connections to receive data from each of the data devices, wherein the central access device comprises mechanisms for providing a uniform, central access to multiple ones of the plurality of data sources and uniform visualization of the data in the data received from the multiple ones of the data sources, the central access device including a restricted access administration device providing role-based access for each of multiple users so that each user is enabled to access data from predetermined devices without being able to access data of other devices, the central access device further including a visualization device having a plurality of portal modules enabling data fetched from different devices to be viewed simultaneously in a visualization window.

17. The system as claimed in claim 9, wherein the central access device includes a data acquisition device for assembling data from the plurality of data devices in accord with the role-based access of each user.

23. The system as claimed in claim 17, wherein the data acquisition device accesses the various data devices in a manner controlled by the restricted access administration device, acquires data therefrom and provides this data for display in the visualization window.

24. The system as claimed in claim 17, wherein the data acquisition device accesses the various data sources in a manner controlled by the access administration device and acquires data from the data sources, wherein the data acquisition device makes the data available to the visualization device.

25. The system as claimed in claim 9, further comprising a polling device configurable by users in order to acquire data cyclically from the various data sources and to evaluate the data in such a way that upon attainment of a criterion configurable by users a corresponding message is automatically generated.

Serial No. 10/535,036
Atty. Doc. No. 2002P17467WOUS

10. EVIDENCE APPENDIX - 37 CFR 41.37(c) (1) (ix)

None

11. RELATED PROCEEDINGS APPENDIX - 37 CFR 41.37(c) (1) (x)

None